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Applicant: Michael R. BRUCE et al.
Docket: AMDA.261PA
Title: DUAL-DIFFERENTIAL INTERFROMETRY FOR SILICON DEVICE
DAMAGE DETECTION

CERTIFICATE UNDER 37 CFR 1.10

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**DUAL-DIFFERENTIAL INTERFROMETRY
FOR SILICON DEVICE DAMAGE DETECTION**

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Field of the Invention

The invention relates to semiconductor device assemblies, and more particularly, to techniques for analyzing and debugging circuitry from the back side that is opposite a circuit side of a die, for example, as with multi-layer, flip-chip
10 integrated circuits.

Background of the Invention

The semiconductor industry has seen tremendous advances in technology that has permitted dramatic increases in circuit density and complexity, and equally
15 dramatic decreases in power consumption and package sizes. Present semiconductor technology now permits single-chip microprocessors with many millions of transistors, operating at speeds of tens (or even hundreds) of MIPS (millions of instructions per second) to be packaged in relatively small, air-cooled semiconductor device packages. A by-product of such high-density and high
20 functionality in semiconductor devices has been the demand for multiple layers of metal interconnects for routing signals to and from so many circuit devices, and increased numbers of external electrical connections to be present on the exterior of the die and on the exterior of the semiconductor packages, which receive the die, for connecting the packaged device to external systems such as a printed circuit board.

There have been a number of semiconductor dies and packaging types used to address these issues. Semiconductor devices that have multiple layers of metal signal-routing interconnects are often referred to as multi-layer devices. Multi-layer devices typically have two or more layers (or levels) of metal interconnects built up over the portion of the die having the active devices. At this “circuit” or “front” side of the die, where the transistors and other active circuitry are generally formed, is a very thin epitaxially-grown silicon layer on a single crystal silicon wafer from which the die is singulated. The circuit side of the die is positioned very near the package, and opposes the backside of the die. The substrate between the backside and the circuit side of the die is typically a bulk silicon, such as single crystalline silicon.

To increase the number of pad sites available for a die, especially for multi-layer type dies, various semiconductor packaging types have been developed. One increasingly popular packaging technique is called “controlled collapse chip connection” or “flip-chip” packaging. In this technology, the bonding pads are provided with metal (solder) bumps. The bonding pads need not be on the periphery of the die and hence are moved to the site nearest the transistors and other circuit devices formed in the die. As a result, the electrical path to the pad is shorter. Electrical connection to the package is made when the die is flipped over the package with corresponding bonding pads and soldered. Once a flip-chip die is attached to the package, the backside portion of the die remains exposed. As a result, the dies are often referred to as “flip-chip” devices. Each bump connects to a

corresponding package inner lead. The packages that result are lower profile, have lower electrical resistance, and a shortened electrical path.

The output terminals of such packages vary depending on the package type. For example, some output terminals are ball-shaped conductive bump contacts (usually solder, or other similar conductive material), and they are typically disposed in a rectangular array. These packages are occasionally referred to as "Ball Grid Array" (BGA). Another type of package, commonly known as a "Pin Grid Array" (PGA) package, implements the output terminals as pins.

For a flip-chip device with multi-layer metals, accessing the circuitry via the exposed backside of the die can be difficult because the circuit side of the flip-chip die is not visible or accessible for viewing using optical or scanning electron microscopy. The circuitry under the substrate backside of the die is in a very thin layer (*e.g.*, about 10 micrometers) of silicon buried under the bulk silicon (*e.g.*, greater than 500 micrometers).

Although the circuit of the integrated circuit (IC) is buried under the bulk silicon (*i.e.*, the single crystalline silicon), infrared (IR) microscopy is capable of imaging the circuit because silicon is relatively transparent in these wavelengths of the radiation. However, because of the absorption losses of IR radiation in silicon, it is generally required to thin the die to less than about 100 microns in order to view the circuit using IR microscopy. To illustrate this difficulty, on a die that is 725 microns thick, at least 625 microns of silicon must be removed (or thinned) before IR microscopy can be used.

For failure analysis, thinning a flip-chip bonded die to such degrees is time consuming, burdensome, overly complex, and can damage the underlying circuitry that is to be analyzed for potential defects. This issues can be better appreciated through a discussion of the following common approach for such thinning.

5 Typically, thinning is accomplished by first thinning the die across the whole die surface; this type of thinning is referred to as “global thinning.” Mechanical polishing is one method for global thinning. Once an area is identified as an area of interest and it is determined that access is needed to a particular area of the circuit, local thinning techniques can be used to thin an area smaller than the die size.

10 Focused ion-beam (FIB) milling is commonly used for thinning the backside of dice to permit e-beam signal acquisition to determine voltage levels of the nodes (*e.g.*, to the millivolt level) while the part is actually operating. FIB milling is effective because it permits for local thinning to expose and/or access target circuitry nondestructively. For flip-chip multi-layer metal devices with advanced
15 processes to expose the lower level metal nodes, the local thinning is implemented by milling deep, narrow holes through the backside of the die. For effective e-beam signal acquisition, the depth of the FIB hole should increase with its width. The ideal aspect ratio (depth to width) of a FIB hole is one to one. For a typical flip-chip having a relatively thick bulk silicon region between the backside and the circuit
20 side of the die, the thickness of FIB holes must have an aspect ratio of about five to one. With this degree of aspect ratio, e-beam signal acquisition is very difficult.

Even when the circuitry is accessible via the type of imaging discussed above, certain defects are not always readily detected. For example, a particular

attribute of semiconductor devices that requires testing is the integrity of the device substrate at the substrate surface. During manufacture and processing, the crystalline structure of semiconductor device substrate often becomes damaged.

When materials are implanted in the device during operations such as ion

5 implantation, the ions strike the device substrate and lose their energy via electronic and nuclear collisions. If the transferred energy during a nuclear collision is high enough, the atoms are displaced from their lattice sites in the crystalline structure, damaging the substrate. The magnitude of the damage increases as the energy transferred during a collision increases. Damage can also occur during post-
10 processing circuit usage; such damage includes, for example, CMOS latch-up events.

Damaged substrate results in reduced mobility in the damaged regions and defect levels in the band gap of the material, including deep-level traps for both electrons and holes, which have a tendency to capture free carriers from the
15 conduction and valence bands. In addition to damaged crystalline structure, other abnormalities in the semiconductor devices may exist, for example, in the form of impurities in the substrate. If not repaired, the damaged regions may exhibit problems such as high resistivity.

As the semiconductor industry continues to demand increasingly complex
20 and numerous manufacturing processes, the tendency for defects to occur within the substrate increases. Therefore, it would be helpful to have the ability to efficiently test structure within the semiconductor substrate to detect substrate surface damage.

Summary of the Invention

According to one example embodiment, the backside of a semiconductor device, such as a flip-chip die of a semiconductor device, is analyzed to determine whether there is a defect in a surface within the die. In particular embodiments, 5 interfrometry techniques, such as dual-differential detection, are used to optically profile the surface of a die under analysis.

In a more particular embodiment also for a semiconductor device that includes a semiconductor die having a circuit side and bulk silicon in an back side opposite the circuit side, a method for detecting a defect at a surface in the die 10 includes directing light through a first beam splitter; directing light of a known wavelength at the beam splitter, wherein the first beam splitter is adapted to direct a first beam of light into the back side of the semiconductor die which reflects a second beam of light back; and redirecting the second beam to a second beam splitter, the second beam splitter generating third and fourth beams of light. 15 Analysis of the third and fourth beams of light is then performed, and this analysis can include using detectors in respective paths of the third and fourth beams of light to generate an arrival time differential and then comparing the differential with a reference previously generated using a nondefective die..

Other aspect of the present invention are directed to systems for 20 implementing processes relating to the above-characterized method and to more specific methods and tools involved in such systems and processes.

The above summary is not intended to describe each illustrated embodiment or every implementation of the present invention. The figures and the detailed description which follow more particularly exemplify these embodiments.

5

Brief Description of the Drawings

The following detailed description can best be understood when read in conjunction with the following drawings, in which:

FIG. 1 shows a side view of a conventional integrated circuit packaged as a flip-chip device;

10

FIG. 2 shows a system for detecting a surface defect in the integrated circuit of FIG. 1 via a backside of the flip-chip die, according to the present invention.

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While the invention is amenable to various modifications and alternative forms, specifics thereof have been shown by way of example in the drawings and will be described in detail. It should be understood, however, that the intention is not to limit the invention to the particular embodiment described. On the contrary, the invention is to cover all modifications, equivalents, and alternatives falling within the spirit and scope of the invention as defined by the appended claims.

Detailed Description

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The present invention is believed to be applicable to a variety of different types of semiconductor devices, and the invention has been found to be particularly suited for failure analysis of flip-chip type circuit packages. While the present invention is not necessarily limited to flip-chip type circuit packages, an

appreciation of various aspects of the invention is best gained through a discussion of examples in such an environment.

According to a particular example embodiment of the present invention, a conventional die, such as the die of a flip-chip type device, is tested after globally thinning the backside of a semiconductor device so as to provide a remaining thickness of bulk silicon in the back side. The backside of a semiconductor device (also referred to as a die or integrated circuit) can be thinned, for example, to about 20 microns (more or less is also acceptable), using chemical-mechanical polishing, laser-etching, ion bombardment or another suitable technique. A possible defect in a surface of the die is then investigated using a method that includes directing light through a pair of beam splitters which are used to create a differential of two beams of light one of which is directed into the back side of the semiconductor die and reflected by a surface therein for evaluation along with the nonreflected beam. The reflected and nonreflected beams are analyzed to determine if there is a surface defect. The analysis can include comparing the beams of light with a reference previously generated using a similar method on a nondefective die.

FIG. 1 shows a side view 110 of one type of conventional flip-chip type die 112 assembled to a package substrate 114. Flip-chip die 112 has a backside 120 and a circuit side in a portion of the die known as the epitaxial layer 122. The epitaxial layer 122 includes a number of circuit devices and has a thickness in the range of one to fifteen microns. Bulk silicon fills the backside 120 and is referred to as the bulk silicon layer. A plurality of solder bumps 126 are made on the circuit side at pads 124. The solder bumps 126 are the inputs and outputs to the circuitry

associated with the flip-chip type die 112. The flip-chip type die 112 is attached to the package substrate 114 via the solder bumps on the die 112. The package substrate 114 includes pads 116 that are arranged to correspond to the pattern of solder bumps 126 on the die 112. The region between the die 112 and package substrate 114 is filled with an under-fill material 128 that encapsulates the solder bump connections and provides additional mechanical benefits. The pads 116 are coupled via circuitry to pads 118 on the package substrate, and solder bumps 130 are formed on the pads 118. The solder bumps 130 are the inputs and outputs to the circuitry associated with the package substrate 114.

For a flip-chip type die such as die 112 of FIG. 1, failure analysis is usually accomplished by first using a global and/or local thinning process. Example implementations for such thinning include: mechanically polishing; laser-microchemically etching; and local thinning via ion bombardment, for example, using a focused ion beam (FIB) system such as an FC-type FIB system available from Micrion, Inc. of Peabody, Massachusetts. This type of system is particularly advantageous, because it can be used to complete various aspects of process embodiments according to the present invention. These aspects include, for example, etching, navigation and measurements via the system's built-in IR microscopy.

According to the present invention, FIG. 2 illustrates an example system, using commercially available components, for detecting a surface defect in a flip-chip die 202 of the type shown in FIG. 1, with the analysis conducted via the backside of the die. This example system includes a near infrared laser 210, such as

a YAG:nIR type laser, a linear polarizer 212, a $\frac{1}{2}$ waveplate 214, a pair of beam splitters 220 and 222 and an nIR analyzer 226 that is responsive to detectors 228 and 230. The beam splitters 220 and 222 can be implemented using, respectively, a polarizer-type beam splitter (such as model 03PBS067 customized for nIR) and a
5 50/50 cube beam splitter for nIR (such as model 03BSC029), both available from Melles Griot, Inc.). The linear polarizer 212 can be implemented using PN 03FPI003 also available from Melles Griot, and the $\frac{1}{2}$ waveplate 214 can be implemented using PN QWPO-1064-10-2-R15, available from CVI Laser, Corp. The nIR analyzer 226 is also conventional and can be implemented using equipment
10 available from manufacturers, such as Melles Griot, Edmunds Scientific, Inc., CVI Laser and the like.

The system of FIG. 2 is used first to generate a reference profile for a designated surface in a nondefective die, referred to respectively as the “reference die” and the “reference surface.” Accordingly, the first beam splitter 220 is
15 positioned between the reference die and the laser 210. The laser 210 is used to direct light of a known wavelength through the first beam splitter 220, with the first beam splitter 220 adapted redirect the light that is reflected by the surface 231 under evaluation within the die 202. The redirected light that is reflected by the surface 231 is received and split into two corresponding beams of light for detection by the
20 detectors 228 and 230. The nIR analyzer 226 receives the two corresponding beams of light reflected from the reference die, via the detector 228, and generates a profile for the reference surface, for example, by determining the time-arrival differential and/or the intensity difference for the two beams. For further information

discussing the characterization and analysis of these profiles, reference may be made to a text entitled, *Confocal Scanning Optical Microscopy and Related Imaging Systems*, by

The above-characterized profile is then used as a reference against which
5 other dies (of type and possibly manufacturing lot) under evaluation are compared for the detection of defects. For example, a die having a possible defect at this surface level can then be evaluated by conducting a similar method; the system of FIG. 2 is used with the reference die replaced with the die being evaluated. A profile for the die being evaluated is generated and compared to the previously-
10 generated profile. Using dual-differential detection as described above, a defect, depicted as 232 in FIG. 2, is detected by the defective surface generating an optical path time/wavelength differential that is different from the optical path time/wavelength differential profiled in connection with development of the reference from the reference die.

15 In particular example embodiments, the reflecting surface is the transition in substances from one material to another material (such as from an epitaxial silicon region to an oxide), the reflecting surface is a defect in one material type (such as within a well region), and the reflecting surface is transition from one concentration of doped silicon to another concentration of doped silicon (such as from a p+
20 epitaxial silicon to an active or well region). In various testing applications of a flip-chip die, reflecting surfaces of these example types are tested to detect defects including but not limited to: contaminants such as potassium deposits, fractures in the silicon, various crystal defects, particulates and dopants. For such defects, the

optical path difference profiled in connection with development of the reference can be readily distinguished from the optical path difference profiled in connection with die under evaluation, for example, by examining shifts in intensity.

The present invention is amenable to various modifications and alternative
5 forms that depart from the particular embodiments described above. The invention is to cover modifications, equivalents, and alternatives falling within the spirit and scope of the invention as defined by the appended claims.

What is claimed is:

1 1. For a semiconductor device that includes a semiconductor die having a circuit
2 side and bulk silicon in an back side opposite the circuit side, a method for detecting a
3 defect at a surface in the die, comprising:
4 locating a first beam splitter for optical manipulation relative to the back side of
5 the semiconductor die;
6 directing light of a known wavelength at the beam splitter, wherein the first beam
7 splitter is adapted to direct a first beam of light into the back side of the semiconductor
8 die which reflects a second beam of light back;
9 redirecting the second beam to a second beam splitter, the second beam splitter
10 generating third and fourth beams of light; and
11 analyzing the third and fourth beams of light, including comparing a relational
12 factor that is a function of the two beams of light with a reference and detecting
13 therefrom a surface defect in the die.

1 2. A method, according to claim 1, further including using the first and second beam
2 splitters to generate different third and fourth beams from a nondefective semiconductor
3 and analyzing the different third and fourth beams of light to develop the reference.

1 3. A method, according to claim 2, wherein the back side of the semiconductor die
2 reflects the second beam of light back to the first beam splitter, and wherein the relational
3 factor is a function of a time differential, or intensity, between the first and second beams
4 of light.

1 4. A method, according to claim 3, further including thinning the back side of the die
2 before the steps of claim 1.

1 5. A method, according to claim 4, wherein thinning the back side of the die
2 includes locally thinning a portion of the back side of the die.

1 6. A method, according to claim 4, wherein thinning the back side of the die
2 includes locally thinning a portion of the back side of the die to a thickness of less than
3 about 20 microns.

1 7. A method, according to claim 1, wherein the light of a known wavelength is near
2 infra-red light.

1 8. A method, according to claim 1, wherein the relational factor is a function of a
2 time differential, or intensity, between the first and second beams of light.

1 9. A method, according to claim 1, wherein the back side of the die into which the
2 beam of light is directed has a thickness of at least about 20 microns.

1 10. A system for detecting a defect in a semiconductor device that includes a
2 semiconductor die having a circuit side and bulk silicon in an back side opposite the
3 circuit side, comprising:
4 first beam splitter means for beam splitting and adapted for optical manipulation
5 relative to the back side of the semiconductor die;
6 laser means for directing light of a known wavelength at the first beam splitter
7 means, wherein the first beam splitter means is adapted to direct a first beam of light into
8 the back side of the semiconductor die which reflects a second beam of light;
9 second beam splitter means for generating third and fourth beams of light in
10 response to the second beam being a redirected; and
11 means for analyzing the third and fourth beams of light, including means for
12 comparing a relational factor that is a function of the two beams of light with a reference
13 and detecting therefrom a surface defect in the die.

1 11. A system for detecting a defect in a semiconductor device that includes a
2 semiconductor die having a circuit side and bulk silicon in an back side opposite the
3 circuit side, comprising:
4 a first beam splitter adapted for optical manipulation relative to the back side of
5 the semiconductor die;
6 a laser for directing light of a known wavelength at the first beam splitter, wherein
7 the first beam splitter means is adapted to direct a first beam of light into the back side of
8 the semiconductor die which reflects a second beam of light back;
9 a second beam splitter for generating third and fourth beams of light in response
10 to the second beam being a redirected; and
11 a processor adapted for analyzing the third and fourth beams of light, including
12 comparing a relational factor that is a function of the two beams of light with a reference
13 and detecting therefrom a surface defect in the die.

1 12. A system, according to claim 11, wherein the back side of the semiconductor die
2 reflects the second beam of light back to the first beam splitter.

1 13. A system, according to claim 11, wherein the laser is a YAG laser.

1 14. A system, according to claim 11, further including means for thinning the back
2 side of the die.

1 15. A system, according to claim 11, wherein the laser is a YAG laser, and further
2 including means for thinning the back side of the die.

1 16. A system, according to claim 11, wherein the relational factor is a function of a
2 time differential, or intensity, between the first and second beams of light.

ABSTRACT

According to one aspect of the disclosure and a particular example application directed to a flip-chip packaged die, a method for detecting a defect in a surface of the die includes directing light through a first beam splitter; directing light of a known
5 wavelength at the beam splitter, wherein the first beam splitter is adapted to direct a first beam of light into the back side of the semiconductor die which reflects a second beam of light back; and redirecting the second beam to a second beam splitter, the second beam splitter generating third and fourth beams of light. Analysis of the third and fourth beams of light is then performed, and this analysis can include using detectors in respective
10 paths of the third and fourth beams of light to generate an arrival time differential and then comparing the differential with a reference previously generated using a nondefective die.

110

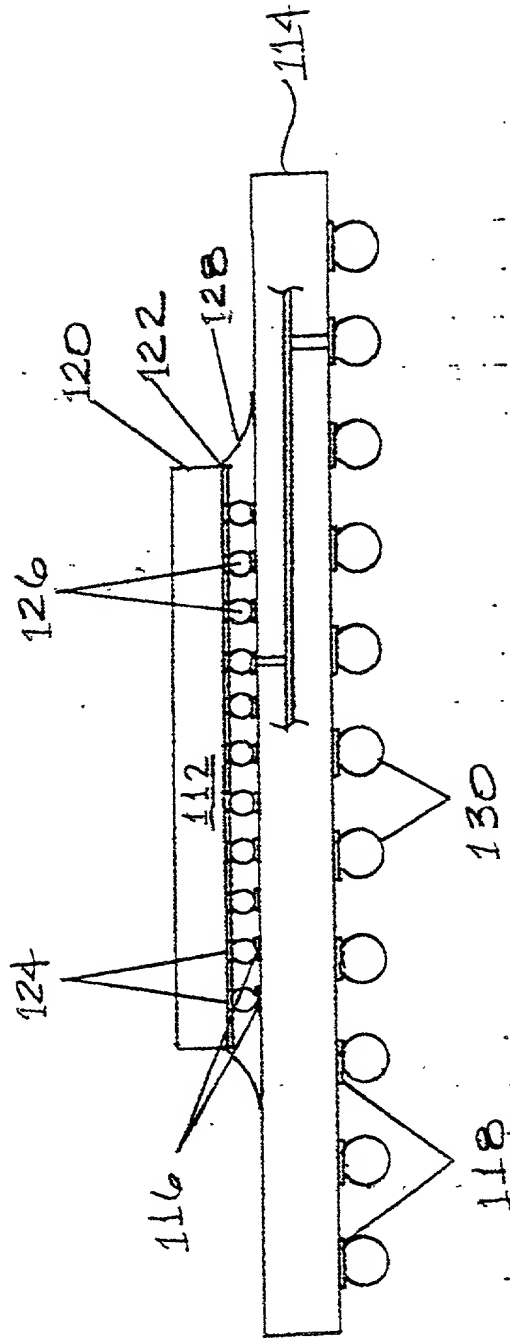
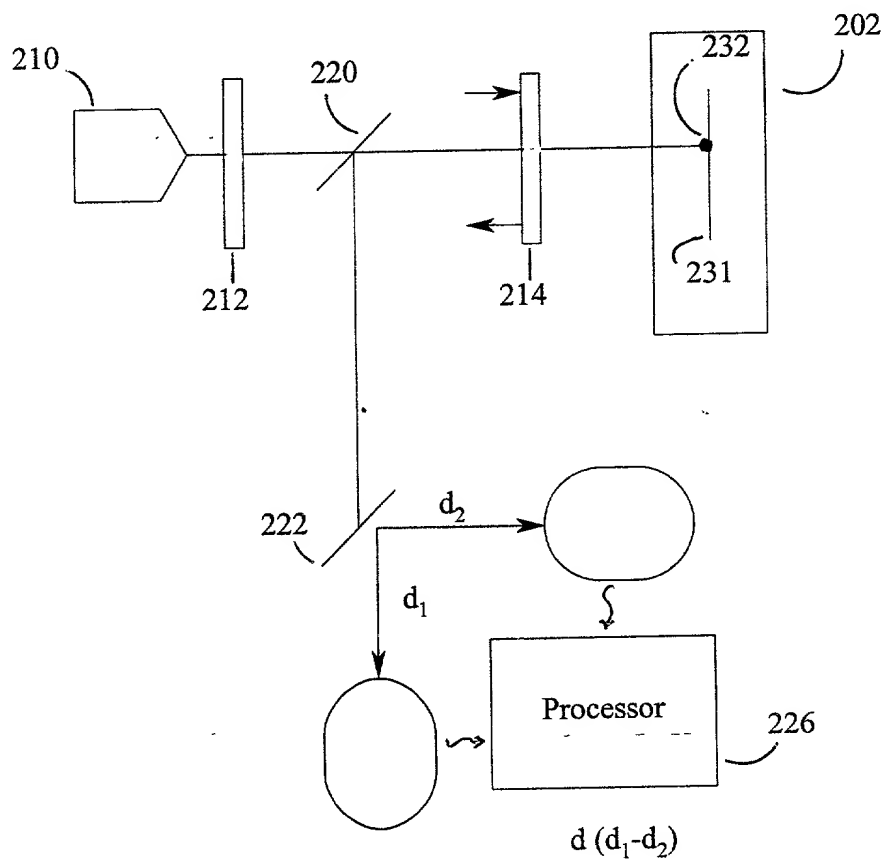


Fig. 1

(Prior Art)

FIG. 2



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United States Patent Application

COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: **DUAL-DIFFERENTIAL INTERFROMETRY FOR SILICON DEVICE DAMAGE DETECTION**.

The specification of which

- a. ☐ is attached hereto
- b. ☒ is entitled **DUAL-DIFFERENTIAL INTERFROMETRY FOR SILICON DEVICE DAMAGE DETECTION**, having attorney docket number **AMDA.261PA (TT2335)**.
- c. ☐ was filed on _____ as application serial no. _____ and was amended on _____ (if applicable) (in the case of a PCT-filed application) described and claimed in international no. _____ filed _____ and as amended on _____ (if any), which I have reviewed and for which I solicit a United States patent.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56 (attached hereto).

I hereby claim foreign priority benefits under Title 35, United States Code, § 119/365 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:

- ☒ no such applications have been filed.
- ☐ such applications have been filed as follows:

FOREIGN APPLICATION(S), IF ANY, CLAIMING PRIORITY UNDER 35 USC § 119			
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)

ALL FOREIGN APPLICATION(S), IF ANY, FILED BEFORE THE PRIORITY APPLICATION(S)			
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)

I hereby claim the benefit under Title 35, United States Code, § 120/365 of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. APPLICATION NUMBER	DATE OF FILING (day, month, year)	STATUS (patented, pending, abandoned)

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:

U.S. PROVISIONAL APPLICATION NUMBER	DATE OF FILING (Day, Month, Year)

I hereby appoint the following attorney(s) and/or patent agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:

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Maunu, LeRoy D.	Reg. No. 35,274		
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Apperley, Elizabeth A.	Reg. No. 36,428	Roddy, Richard J.	Reg. No. 27,688
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I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/organization who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Crawford PLLC.

Please direct all correspondence in this case to Crawford PLLC at the address indicated below:

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2 0 1	Full Name Of Inventor	Family Name BRUCE	First Given Name MICHAEL	Second Given Name R.
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Signature of Inventor 201:			Date:	
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2 0 3	Full Name Of Inventor	Family Name	First Given Name	Second Given Name
	Residence & Citizenship	City	State or Foreign Country	Country of Citizenship
	Post Office Address	Post Office Address	City	State & Zip Code/Country
Signature of Inventor 203:			Date:	

§ 1.56 Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application;
- (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.